

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
MBHB Case No. 07-1130

In re Application of:	)	
	)	
Kristen McRedmond	)	Confirmation No. 4596
	)	
Serial No.: 09/783,499	)	Group Art Unit: 3692
	)	
Filed: February 14, 2001	)	Examiner: Nga B. Nguyen
	)	
For: System and Method for Business	)	
To Investor Exchange For Raising	)	
Capital And For Creating A	)	
Secondary Market for Private	)	
Equity	)	

**STATEMENT SUPPORTING PETITION FOR REVIVAL OF PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(B).**

This statement is being filed in support of the Petition to Revive the above-referenced patent application under 37 C.F.R 1.137(B).

1. I am the inventor named in U.S. Patent Application Serial No. 09/783,499, filed on February 14, 2001 (the '499 Application).

2. I have never intended to abandon the '499 and, at all times, I have desired for the prosecution of the '499 application to continue. I did not receive notice that the '499 application was abandoned until approximately September 26, 2007. I had provided a valid phone number that has been in continuous use from the filing of the '499 application to the present day to my prior patent counsel. However, I have never received communication, either written or telephonic, from my prior patent counsel, regarding the abandoned status of this application.

3. On July 26, 2007, I searched my maiden name ("Kristen McRedmond") on the World Wide Web using the Google search engine. The results of the search led me to a link (<http://www.freepatentsonline.com/20010034692.html>) on the World Wide Web that I believed indicated the '499 Application was for sale. Attached as Exhibit A is an electronic mail message from myself to Jonathan Wade expressing my surprise that the '499 Application was for sale. I was shocked to discover that the '499 application was put up for sale by someone or some entity without my knowledge. I have recently learned that this web site only indicates that my application had been published. At the time, however, believing that the '499 Application was for sale, I decided to obtain patent counsel in order to investigate and resolve this issue. I was still unaware that the application was abandoned.

4. On or about September 20, 2007, I approached a colleague, Traci S. Ray, for referrals for patent attorneys that I could approach to assist me with this issue. Ms. Ray referred me to Howard Krass. I subsequently contacted Mr. Krass, who referred me to Robert J. Irvine III at McDonnell Boehnen Hulbert & Berghoff LLP (MBHB). On or about October 1, 2007, I approached Mitch Lundeen of George, Hartz & Lundeen, who referred me to Leslie Lott at Lott & Friedland.

5. I contacted the patent attorneys referred to me in order to explore my options for retaining patent counsel. I contacted Mr. Irvine on or about September 26, 2007 in order to discuss the issue and determine whether to retain MBHB as patent counsel in this matter. I also contacted Ms. Lott in early October in order to discuss the issue and determine whether to retain Lott & Friedland as patent counsel in this matter. After a typical period of negotiation with both firms, I decided to retain MBHB as patent counsel. After Mr. Irvine performed a conflict check and after a

typical period of negotiation regarding legal fees, I signed an engagement letter to retain MBHB's services on November 29, 2007.

6. Upon speaking to Mr. Irvine on or about September 26, 2007, I learned that the '499 Application was abandoned for failure to prosecute the application on December 20, 2004 due to a failure to respond to the Communication mailed September 20, 2004. Therefore, approximately September 26, 2007 was the first time that I learned of the abandoned status of the '499 Application.

7. The failure to respond to the Communication mailed September 20, 2004 was unintentional and the delay in discovering the abandoned status of the application occurred despite the exercise of due care. Up until my discovery on July 26, 2007 that the '499 Application was published, I believed that my prior patent counsel at Roberts Abokhair & Mardula LLC (hereinafter, "RAM") was representing me in the prosecution of the '499 Application. I did not receive any communication from my prior patent counsel regarding any action that needed to be taken regarding the '499 Application to continue prosecution of the application in order to prevent the abandonment of the application.

8. It was my belief at that time, based on prior discussions with my prior counsel, that it took approximately seven (7) or more years from the filing of a patent application to obtain a patent. As I believed that it took approximately seven years to obtain a patent, I did not have reason to believe that a lack of communication from my prior patent counsel regarding the '499 Application before July 26, 2007 was a cause for concern. I have never intended to allow the '499 Application to become abandoned at any time. Rather, at all times I have desired for prosecution of the '499 Application to continue.

9. I believed that my prior patent counsel would contact me in the event that action needed to be taken in order to continue prosecution of the case. I believed that my prior patent counsel had a way to contact me in order to alert me of the status or any upcoming deadlines regarding the '499 Application. For instance, I believed that my prior patent counsel could contact me via both mail and telephone.

10. To the best of my recollection, one of the addresses RAM used to send communications regarding the '499 Application was 500 Airport Blvd., Burlingame, CA 94010 ("the Burlingame address"). The Burlingame address was the location of an Office Building my company, NetCirq, leased between 2001 and 2002 and currently leases. In the time period when NetCirq was not leasing the Office Building at the Burlingame address, I expected mail sent to this address to be forwarded to me. The commercial Office Building had my forwarding address. Further, I had a personal relationship with the Office Manager, Scott Chambers, and I expected that he would ensure that mail delivered to the Burlingame address would be forwarded to me at my forwarding address, especially a mail item sent via certified mail. Therefore, I had an expectation that mail sent to the Burlingame address would be forwarded to me at my forwarding address.

11. In addition, I believed that my prior patent counsel would be able to contact me via telephone regarding the '499 Application. From at least the filing date of the '499 Application (February 14, 2001) until the present, I have had the same telephone number (415-672-1800). To the best of my recollection, this number was the number my prior patent counsel used to communicate with me. I did not receive any telephone calls or telephone messages from my prior patent counsel at RAM indicating that they were withdrawing from representation or that action needed to be taken in the application in order to prevent abandonment of the '499 Application.

12. As I did not hear from prior patent counsel regarding the '499 Application via mail or telephone and I did not have reason to believe a lack of communication from my prior patent counsel at RAM regarding the '499 Application before July 26, 2007 was a cause for concern, the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence.


13. On or about December 19, 2007, Mr. Irvine informed me that my prior patent counsel had submitted a Request to Withdraw as Attorneys of Record to the USPTO and that the Request was granted. Mr. Irvine informed me that my prior patent counsel sent letters to me expressing a desire to withdraw from representation to (i) the Burlingame address and (ii) 1320 N. Veitch Street, suite 906, Arlington, VA 22201. According to the Supplemental Request to Withdraw as Attorneys of Record filed with the USPTO on September 11, 2002, the letter sent to the Burlingame address was received at the Burlingame address and was signed by "C. Brady" on 9/1/02. A copy of the Supplemental Request to Withdraw as Attorneys of Record is attached as Exhibit B.

14. I did not receive such a letter from my prior patent counsel expressing their desire to withdraw from representation. Although it appears that the letter was signed for by a "C. Brady" at the Burlingame address, I never received such a letter. I do not know who C. Brady is, or what his or her affiliation with the Burlingame address is. The Burlingame address is the location of a commercial Office Building, of which I leased an office space. Typically, mail received at the Burlingame address would have been received by a receptionist at the commercial Office Building who would then forward the mail to the addressee. Because this was a consortium of Office Buildings, receiving mail at this address was sometimes unreliable. Not having received this letter or

any other communication from my prior patent counsel indicating the desire to withdraw from representation, I had no reason to believe that my prior patent counsel had withdrawn from representation.

15. After learning of the abandoned status of the '499 Application on or about September 26, 2007 and after I signed the engagement letter to retain MBHB as patent counsel, MBHB diligently prepared a response to the outstanding Communication dated September 20, 2004 in order to submit along with this petition to revive. Neither I nor MBHB intended to delay the filing of the response to the outstanding Communication and the petition to revive the abandoned application.

16. I declare that all statements made herein to my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Kristen Wade

# EXHIBIT A

---

**From:** kwade@netcirq.com  
**Sent:** Thursday, July 26, 2007 11:51 PM  
**To:** jjwade\_uk@yahoo.com  
**Subject:** Patent Finding

Cutie,  
I found this...<http://www.freepatentsonline.com/20010034692.html>...unbelievable.  
I love you so much and miss you so much.  
xo  
Beezies



## EXHIBIT B



Express Mail Label No.: EV 089822668 US

#4 1/2  
7- 9p 246PW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Kristen McREDMOND  
Serial No.: 09/783,499 Group Art Unit: 2161  
Filed: Feb. 14, 2001 Examiner:

For: SYSTEM AND METHOD FOR BUSINESS-TO-INVENTOR EXCHANGE FOR  
RAISING CAPITAL AND FOR CREATING SECONDARY MARKET FOR PRIVATE  
EQUITY

Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

SEP 16 2002

GROUP 3600

Dear Sir:

Enclosed please find the following:

1. Supplemental Request to Withdraw as Attorneys of Record;  
and
2. Exhibits (3 enclosures)

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 18-1579. The Commissioner is also authorized to charge Deposit Account No. 18-1579 for any future fees connected in any way to this application.

Respectfully submitted,

Jon L. Roberts, Esq.  
Registration No. 31,293  
Roberts Abokhair & Mardula, LLC  
11800 Sunrise Valley Drive, Suite 1000  
Reston, VA 20191-5302  
(703) 391-2900



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Kristen McREDMOND  
Serial No.: 09/783,499 Group Art Unit: 2161  
Filed: Feb. 14, 2001 Examiner:

For: SYSTEM AND METHOD FOR BUSINESS-TO-INVENSTOR EXCHANGE FOR  
RAISING CAPITAL AND FOR CREATING SECONDARY MARKET FOR PRIVATE  
EQUITY

Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**  
SEP 16 2002  
**GROUP 3600**

\* \* \* \* \*  
**SUPPLEMENTAL REQUEST TO WITHDRAW**  
**AS ATTORNEYS OF RECORD**  
\* \* \* \* \*

Dear Sir:

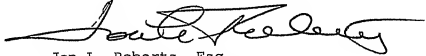
Pursuant to our Request to Withdraw as Attorneys of Record filed in the above-captioned patent application on August 23, 2002, I, on behalf of all attorneys of record, in the present application and as a senior partner of Roberts, Abokhair & Mardula, LLC, hereby respectfully request that the Commissioner consider the following information in the Decision on Request to Withdraw as the Attorneys of Record in this application:

1. In our continuing efforts to contact the client we notified the Applicant of our Request to Withdraw as Attorneys of Record by forwarding to her last known addresses in Burlingame, California, and Arlington, Virginia, the said request via certified mail;
2. The letter sent to Arlington, VA was returned to us by the Post Office with the markings 'Return to Sender. Forwarding Order Expired.' Copies of the letter and the envelope with the Post Office markings are enclosed herewith as Exhibits 1-2;
3. The return post card receipt for the letter sent to Burlingame, CA was returned to us with the indication

that the letter was properly delivered and accepted at that address. The receipt was acknowledged by the signature on the post card. A copy of the return post card receipt is enclosed herewith as Exhibit 3.

4. Thus, it is further respectfully submitted that this firm has fulfilled its obligation in contacting the Applicant regarding the Request to Withdraw.

Respectfully submitted on behalf of all attorneys of record,



Jon L. Roberts, Esq.  
Registration No. 31,293  
Roberts Abokhair & Mardula, LLC  
11800 Sunrise Valley Drive, Suite 1000  
Reston, VA 20191-5302  
(703) 391-2900

August 29, 2002

VIA CERTIFIED MAIL. RETURN RECEIPT REQUESTED

Ms. Kristen McRedmond  
1320 North Veitch Street  
Suite 906  
Arlington VA 22201

RE: *System and Method for Business to Investor Exchange for Raising  
Capital and for Creating Secondary Market for Private Equity*  
Application No.: 09/783,499  
RA&M Ref. No.: 2609-001

Dear Kristen:

Enclosed please find a copy of our Petition to the Patent and Trademark Office to Withdraw as Attorneys of Record in the above-identified application.

This letter will also serve to terminate our representation of you as your legal advisers in this matter. We are closing your account. Since we will no longer be representing you with the Patent and Trademark Office for the above patent, you should seek new counsel to aid you with any upcoming dates to keep the patent from being abandoned.

Please advise us where we should forward the file relative to our application.

Sincerely,

ROBERTS ABOKHAIR & MARDULA



Jon L. Roberts

JLR/nvh  
Enclosure

HIBIT 2

CERTIFIED MAIL



RobertsAbokhair @Mardula, LLC

7099 3400 0004 1176 8425



107  
9690 \$ 04.650 PB8532930  
5891 MAILED FROM RESTON VA 20191



11800 Sunrise Valley Drive  
Suite 1000  
Reston, Virginia  
20191

Ms. Kristen McRedmond  
1320 N. Veitch Street  
suite 906  
Arlington VA 22201

NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES  
MOVED - NO ORDER EXPIRED  
FORWARDED - NOT KNOWN  
ATTACHED - NOT KNOWN  
UNCLASIFIED - NOT KNOWN  
NO SUCH NUMBER  
INSUFFICIENT ADDRESS

9/14/16  
P.S.

Ex BIT 3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on this reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MS. KRISTEN MCDONALD  
500 AIRPORT BLVD.  
BURLINGAME, CA  
94010

2. Article Number

(Transfer from service label)

4099 3400 0004 91 1P 0395

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1429

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

CBRADY

B. Date of Delivery

9-2-02

C. Signature

X CBRADY

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☒ Registered

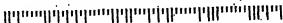
☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



44-1

2609-001 (McRed)

Roberts, Abokhair & Martula, LLC  
11800 Sunrise Valley Drive  
Suite 1000  
Reston, VA 20191

• Sender: Please print your name, address, and ZIP+4 in this box •

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10



UNITED STATES POSTAL SERVICE